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10/624,820	07/21/2003	John H. Rallis	P3179	7373

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EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,820

Applicant(s)

RALLIS, JOHN H.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10, 12, 14, 18-19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 10 recites the limitation "one loading/unloading dock" in line 1. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 12 recites the limitation "automated cargo loading/unloading system" in line 1. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 14 recites the limitation "automated cargo loading/unloading system" in line 1. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 18 recites the limitation "loading/unloading conveyor" in line 3. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 19 recites the limitation "loading/unloading conveyor" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 19 recites the limitation "loading/unloading conveyor" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6, 9-14, 16-20, 22, 24, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Doster et al. (US 5,325,953).

10. With respect to claim 1, referring to FIGS. 1-4 Doster et al. disclose a warehousing system 1 comprising a feed conveyor 14, storage racks, loading/unloading conveyor 24, traveling conveyor 36, 40, 54 and means for selectively moving traveling conveyor 37.

11. With respect to claim 2, referring to FIGS. 1-4 Doster et al. disclose a storage racks in tiers. Doster et al. disclose loading inventory from racks. Col. 1, Ins. 7-38.

12. With respect to claim 3, referring to FIGS. 1-4 Doster et al. disclose a traveling conveyor 36, 40, 54 comprising a conveyor deck 36, 40, 54 and means for elevating a conveyor deck 37.

13. With respect to claim 4, referring to FIGS. 1-4 Doster et al. disclose a means for elevating a conveyor deck 37 comprising a scissor jack 48.

14. With respect to claim 5, referring to FIGS. 1-4 Doster et al. a means for selectively moving a traveling conveyor 37 comprising a wheeled chassis (as shown in Doster et al. FIG. 2 below), one track for wheeled chassis.



20. With respect to claim 13, referring to FIGS. 1-4 Doster et al. disclose a means for selective transferring pallets 62, a push plate 40 (pushing up on pallets) and means for selectively extending a push plate 44.

21. With respect to claim 14, referring to FIGS. 1-4 Doster et al. disclose a cargo loading/unloading system 1 further comprising means for selectively transferring a pallet 54.

22. With respect to claim 16, referring to FIGS. 1-4 Doster et al. disclose an automated cargo loading/unloading system 1 comprising a dock member 40, means for extending a dock member (col. 2, Ins. 3-15), means for selectively restraining a pallet 50, and a loading/unloading conveyor 24.

23. With respect to claim 17, referring to FIGS. 1-4 Doster et al. disclose a dock member 40 comprising a beveled leading edge 40.

24. With respect to claim 18, referring to FIGS. 1-4 Doster et al. disclose an automated cargo loading/unloading system 1 further comprising means for selectively transferring a pallet 62 from loading/unloading conveyor 24 to a dock member 40.

25. With respect to claim 19, referring to FIGS. 1-4 Doster et al. disclose a means for selectively transferring pallets 62 comprising a push plate 40 and means for selectively extending a push plate 44 (into truck). It is noted that push plate 40 applies a pushing force vertically up.

26. With respect to claim 20, referring to FIGS. 1-4 Doster et al. disclose an automated cargo loading/unloading system 1 further comprising means for selectively transferring pallets from a dock member 54 to a loading/unloading conveyor 24.

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27. With respect to claim 22, referring to FIGS. 1-4 Doster et al. disclose an automated cargo loading/unloading system 1 further comprising means for selectively transferring pallets from a dock member 54 to a loading/unloading conveyor 24.

28. With respect to claim 24, referring to FIGS. 1-4 Doster et al. disclose a dock member 40 further comprises rollers.

29. With respect to claim 26, referring to FIGS. 1-4 Doster et al. disclose a dock member 40 further comprises ball bearings members:

***Claim Rejections - 35 USC § 103***

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doster et al. (US 5,325,953) as applied to claims 1, 6 above, and further in view of Schmitt (US 4,195,959). Doster et al. disclose a feed conveyor but do not disclose a feed conveyor with means for selectively diverting pallets. Referring to FIGS. 1-12 Schmitt '959 discloses a feed conveyor 24 comprising means for selectively diverting pallets 48, 62, 70, sweep arm 62 and means for selectively extending a sweep arm 48. Schmitt '959 teaches that in stacking pallets modifying a feed conveyor to include a means for selectively diverting pallets provides shifting from an arranging feed conveyor to a loading/unloading conveyor 26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the feed conveyor

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of Doster et al. to include a means for selectively diverting pallets comprising a sweep arm and means for selectively extending a sweep arm, as per the teachings of Schmitt, to provide shifting of pallets from an arranging feed conveyor to a loading/unloading conveyor.

32. Claims 15, 21, 23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doster et al. (US 5,325,953) as applied to claims 1 & 16 above, and further in view of Harris et al. (US 2003/0021670).

33. With respect to claims 15 and 21, Doster et al. disclose a means for selectively transferring a pallet but do not disclose an unloading paddle and means for selectively moving an unloading paddle. Referring to FIGS. 1-7 Harris et al. disclose means 30 for selectively transferring a pallet A comprising an unloading paddle 14, means for selectively moving a paddle 15, and means for translating an unloading paddle 15. Harris et al. teach that when loading pallets from one conveyor to another, an unloading paddle provides smooth stacking low-height pallets A over other more time intensive means, such as overhead lifting transfer apparatus. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means for selectively transferring a pallet A of Doster to include a paddle, means for moving a paddle, and means for translating an unloading paddle, as per the teachings of Harris et al., such that when loading pallets from one conveyor to another, an unloading paddle provides smooth stacking low-height pallets A over other more time intensive means, such as overhead lifting transfer apparatus.



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34. With respect to claim 23, referring to FIGS. 1-4 Doster et al. disclose means for extending a dock member (col. 2, Ins. 3-15) comprising a drive means 40 (col. 3, Ins. 48-49).

35. With respect to claim 25, referring to FIGS. 1-4 Doster et al. disclose rollers spaced from inner and outer rigid plate ends forming dead spots.

### ***Conclusion***

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 3,961,714 to Buehler

US 4,425,069 to Saur et al.

US 4,832,559 to Gebbardt

US 4,844,681 to Pierre et al.

US 5,009,560 and US 5,067,867 and US 5,088,876 to Ruder et al.

US 5,082,415 to Hayashi

US 5,181,820 to Sjogren et al.

US 5,186,596 to Boucher et al.

US 5,346,352 to Ito


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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